IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.77 OF 1999

Commissioner of Income Tax
Mumbai City XIV, Mumbai .. Appellant
V/s
M/s.Narayandas Sugnomal .. Respondent

Mr.E.P.Chopra for the Appellant.

CORAM: DR.S.RADHAKRISHNAN &
J.H.BHATIA, JJ.

DATE : 18/07/2005.

P.C.:

1. Heard the learned Counsel for the Appellant. By this Appeal, the following substantial question of law is sought to be raised:-

"Whether on the facts and in the circumstances of the case the Tribunal was right in deleting the additional tax levied on the assessee, on the ground that the assessee cannot be penalised on account of retrospective amendment to S.28(iiib) of the I.T.Act, regarding cash compensatory support? "

2. The learned Counsel for the Appellant states that the above question has already been answered by the Supreme Court against the Revenue in the case of **Commissioner of Income Tax V/s Hindustan Electro Graphites Ltd. - 2000(243) ITR 48.** Under these circumstances, the above mentioned question is answered in favour of the Assessee and against the Revenue. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN J.)

(J.H.BHATIA J.)